

SIXTY-NINTH LEGISLATIVE DAY

The House met at 9:30 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Russ and Faye Porcella, New Covenant Fellowship Church, Knoxville, Tennessee.

Representative Drew led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 92

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

The Speaker announced that Representative Cobb was excused Wednesday, May 2, because of legislative business.

The Speaker announced that Representative Bragg was excused because of illness.

The Speaker announced that Representative Stafford was excused because of illness.

The Speaker announced that Representative Dixon was excused because of a death in family.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

220--Relative to adjournment sine die, 93rd General Assembly; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

1673--To regulate State Library and Archives Management Board;

1705--To regulate Metropolitan Airport Authorities;

2030--To create Tennessee Claims Commission;

2093--To enact The Emergency Communications District Law;

2111--To change entrance age, public kindergartens;

2124--To make certain provisions, motor vehicle warranties;

2159--To regulate spacing, oil wells;

2176--To make provisions, Local Development Authority;

2179--To provide certain refunds, certain contractors; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

491--Relative to memory, Ramsey Pollard;

494--Relative to congratulating Barbara Fly; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1576--To establish residency requirements, certain liquor licenses;

2007--To make certain provisions, paternity cases;

2109--To give concurrent jurisdiction, certain court cases; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1576, 1577, 2007 and 2109; House Resolutions Nos. 126, 131 and 132; and House Joint Resolutions Nos. 482, 491 and 494; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 1576, 1577, 2007 and 2109; House Resolutions Nos. 126, 131 and 132; House Joint Resolutions Nos. 482, 491 and 494.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

2008--To remove limitation of terms, Chairman, Tennessee Board of Paroles; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1548--To regulate governance, state forestry programs;

substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

On motion of Mr. King (Shelby) Senate Bill No. 1291 was recalled from the Senate.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am returning Senate Bill No. 1291, as requested.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

438--Relative to commending Roy M. Lanier;

439--Relative to commending Morris Bales;

440--Relative to honoring Dr. Heissee Johnson;

441--Relative to congratulating Waverly Central High School boys' basketball team;

442--Relative to commending Henry L. Black;

445--Relative to commending Roane Technology Task Force;

446--Relative to honoring Mrs. Barbara Walker;

447--Relative to memory, Sol M. Dorman;

448--Relative to expressing appreciation to Lou Dunlap;

449--Relative to commending Girl Scout Leaders;

450--Relative to congratulating Kenton Junior Varsity team;

451--Relative to congratulating Kenton High School girls' basketball team;

452--Relative to honoring Talmage L. Carihfield, Jr.;

455--Relative to honoring Reverend H. C. Coleman;

456--Relative to memory, Chief Jack Shasteen;

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457--Relative to memory, Patrick "Pat" St. Charles;

458--Relative to memory, Judge W. T. "Bill" Myers;

459--Relative to memory, Harry J. Thornton;

464--Relative to commending Torjan cheerleaders, Dyersburg High School;

468--Relative to honoring Estelle Liston;

470--Relative to congratulating Representative and Mrs. W. C. Herndon, Jr.;

474--Relative to honoring Bobby Parks; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1806--To make certain provisions, bank stocks;

1809--To regulate state-chartered savings and loan associations;

1810--To make certain exemption, credit unions;

1811--To increase inspection fees, industrial loan and thrift companies;

1828--To repeal Section 4-3-507, Code;

1836--To amend Employment Security Law;

1838--To make certain provisions, unemployment compensation;

1974--To further define "savings and loan association"; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1962--To provide for County Service Officer, Scott County;

2246--To set qualification, general sessions court judge, Clay County;

2267--To provide bonds, West Carroll Special School District;

2269--To amend purchasing law, certain counties; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CALENDAR

House Bill No. 2051--To make certain provisions, airport property taxes.

Mr. McKinney moved that House Bill No. 2051 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

A motion to reconsider was tabled.

House Bill No. 1991--To make certain provisions, small business concerns.

On motion, House Bill No. 1991 was made to conform with Senate Bill No. 2011.

On motion, Senate Bill No. 2011, on same subject, was substituted for House Bill No. 1991.

Ms. DeBerry moved that Senate Bill No. 2011 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

House Bill No. 833--To fix penalty, offense of driving while intoxicated.

On motion, House Bill No. 833 was made to conform with Senate Bill No. 975.

On motion, Senate Bill No. 975, on same subject, was substituted for House Bill No. 833.

Mr. Drew moved that Senate Bill No. 975 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 975 by adding the following new Section 3 and by renumbering present Section 3 accordingly:

SECTION 3. Tennessee Code Annotated, Section 55-10-403, is amended by adding the following new subpart to subsection (a):

() Notwithstanding any other provision of this section or the law to the contrary, the judge, in his or her discretion, may order that any person convicted of violating the provisions of Tennessee Code Annotated, Section 55-10-401, for the second time is, after service of at least seven (7) days of such sentence, eligible for any work release program available in the county of conviction. A person may serve the seven (7) days required before eligibility for work release on nonconsecutive days or on days that do not otherwise interfere with his or her employment.

Mr. McNally moved that the Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes	44
Noes	42
Present and not voting	2

Representatives voting aye were: Anderson, Atchley, Bewley, Byrd, Clark (Sumner), Copeland, Dills, Duer, Elsea, Ford, Frensley, Gaia, Gill, Harrill, Hassell, Henry, Hillis, Hudson, Huskey, Kelley, Kent, Kernell, McAfee, McNally, Montgomery, Moore (Shelby), Nance, Percy, Phillips, Pickering, Robinson (Washington), Shirley, Sir, Stallings, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Whitson, Williams, Wolfe, Wood, Yelton and Mr. Speaker McWherter--44.

Representatives voting no were: Bell, Bivens, Brewer, Buck, Chiles, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Disspayne, Ellis, Gafford, Herndon, Hurley, Jared, Johnson, Jones, King (Washington), Kisber, Love, McKinney, Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Smith, Tanner, Webb, Wheeler, Wix and Work--42.

Representatives present and not voting were: Miller and Owen--2.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 975 by adding the following language to the end of the first paragraph of subsection (a)(4) of the amendatory language of Section 2:

During the time any person required to perform community service work pursuant to this subpart is actually engaged in such work, such person shall be required to wear a distinctive uniform with DUI appearing in large and conspicuous letters somewhere thereon.

Mr. Owen moved that Amendment No. 2 be tabled, which motion failed by the following vote:

Ayes	35
Noes	54
Present and not voting	1

Representatives voting aye were: Anderson, Bewley, Brewer, Clark (Davidson), Clark (Sumner), Cobb, Copeland, DeBerry, DePriest, Drew, Duer, Elsea, Gaia, Hassell, Henry, Jones, Kelley, Kent, Kernell, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Owen, Pickering, Robertson, Robinson (Hamilton), Scruggs, Severance, Ussery, Webb, Whitson, Williams Wix and Yelton--35.

Representative voting no were: Atchley, Bell, Bivens, Buck, Byrd, Chiles, Covington, Davidson, Davis (Gibson), Davis (Pickett), Dills, Disspayne, Ellis, Ford, Frensley, Gafford, Gill, Harrill, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Murphy, Murray, Naifeh, Nance, Napier, Percy, Phillips, Rhinehart, Robinson (Davidson), Robinson (Washington), Shirley, Sir, Smith, Stallings, Tanner, Turner (Hamilton), Turner (Shelby), Wallace, Wheeler, Wolfe, Wood and Work--54

Representative present and not voting was: Miller--1.

Mr. Rhinehart moved the previous question on the amendment, which motion prevailed by the following vote:

Ayes	63
Noes	23
Present and not voting	4

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Herndon, Hillis, Hudson, Huskey, Johnson, King (Shelby), King (Washington), Kisber, McAfee, McKinney, Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Percy, Phillips, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Sir, Smith, Stallings, Tanner, Turner (Hamilton), Turner (Shelby), Wallace, Webb, Whitson, Williams, Wolfe, Wood, Work and Mr. Speaker McWherter--63.

Representatives voting no were: Brewer, Cobb, Drew, Duer, Gaia, Hassell, Henry, Hurley, Jared, Jones, Kelley, McNally, Montgomery, Moody, Moore (Shelby), Owen, Pickering, Scruggs, Severance, Shirley, Wheeler, Wix and Yelton--23.

Representatives present and not voting were: Kernell, Love, Miller and Ussery--4.

Thereupon, Amendment No. 2 was adopted by the following vote:

Ayes	51
Noes	37
Present and not voting	2

Representatives voting aye were: Atchley, Bivens, Buck, Byrd, Chiles, Clark (Davidson), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), Dills, Disspayne, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Herndon, Hillis, Hudson, Huskey, Jared, Johnson, Kent, King (Shelby), King (Washington), Kisber, McAfee, McNally, Murphy, Nance, Napier, Percy, Phillips, Rhinehart, Robinson (Davidson), Shirley, Sir, Smith, Stallings, Turner (Hamilton), Turner (Shelby), Wallace, Webb, Wolfe, Wood and Work--51.

Representatives voting no were: Anderson, Bell, Bewley, Brewer, Clark (Sumner), Cobb, DeBerry, Drew, Duer, Gaia, Hassell, Henry, Hurley, Jones, Kelley, Kernell, Love, McKinney, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murray, Naifeh, Owen, Pickering, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Tanner, Wheeler, Whitson, Williams, Wix and Yelton--37.

Representatives present and not voting were: DePriest and Miller--2.

Ms. Turner (Hamilton) moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 975 by adding the following to the end of the first paragraph of subsection (a)(4) of the amendatory language of Section 2:

Provided, however, if a person sentenced under this subsection has no existing job skills or such job skills are of the type that are not transferable to community service work, the court may require such person to work five (5) days at a public works project for the benefit of a governmental entity. As used in this subsection, "public works project" shall include but not be limited to the removal of litter from the state highway system, public playgrounds, public parks, the painting of schools or other governmental buildings, the cleaning of courthouses and other such buildings, the clearing of creek or stream beds, or any other similar project that would benefit state, county or municipal government or any political subdivision thereof.

Amendment No. 3 was adopted by the following vote:

Ayes	49
Noes	33
Present and not voting	4

Representatives voting aye were: Bell, Brewer, Buck, Chiles, Clark (Davidson), Cobb, Copeland, Covington, Davidson, DeBerry, DePriest, Disspayne, Drew, Ellis, Elsea, Gafford, Gaia, Gill, Herndon, Hurley, Jared, Johnson, Jones, King (Washington), Kisber, Love, McAfee, McKinney, Moody, Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Phillips, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Tanner, Turner (Hamilton), Wheeler, Wix and Work--49.

Representatives voting no were: Anderson, Atchley, Bewley, Bivens, Byrd, Clark (Sumner), Crain, Davis (Gibson), Dills, Duer, Ford, Frensley, Harrill, Hassell, Henry, Hillis, Hudson, Huskey, Kelley, Kent, Montgomery, Moore (Shelby), Percy, Pickering, Rhinehart, Stallings, Turner (Shelby), Ussery, Webb, Whitson, Williams, Wolfe and Yelton--33.

Representatives present and not voting were: Kernell, McNally, Miller and Wallace--4.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

Mr. Wood moved to amend as follows:

AMENDMENT NO. 4

Amend Senate Bill No. 975 as follows:

Omit from (4) all verbage after service work in line 7 and replace with:

Such work shall be litter removal from the state highway system, public playground, public parks or other appropriate location or in a recycling center to recover usable materials from waste as prescribed in Section 55-10-403 (1). Such persons performing this community work shall do so in locations visible to the public, under supervision, and shall wear distinctive clothing distinguishing them from regular public employees.

Mr. Scruggs moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes	46
Noes	41
Present and not voting	1

Representatives voting aye were: Anderson, Bell, Bivens, Brewer, Buck, Clark (Sumner), Cobb, Davidson, DeBerry, DePriest, Dissspayne, Frenslay, Gaia, Hassell, Henry, Jared, Johnson, Jones, Kelley, King (Washington), Love, McKinney, McNally, Miller, Montgomery, Moody, Moore (Sullivan), Murphy, Murray, Naifeh, Owen, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Smith, Tanner, Whitson, Williams, Wix, Work and Yelton--46.

Representatives voting no were: Atchley, Bewley, Byrd, Chiles, Clark (Davidson), Copeland, Covington, Crain, Davis (Gibson), Davis (Pickett), Dills, Duer, Ellis, Elsea, Ford, Gafford, Gill, Harrill, Herndon, Hillis, Hudson, Hurley, Huskey, Kent, Kernell, King (Shelby), Kisber, McAfee, Moore (Shelby), Nance, Percy, Severance, Shirley, Sir, Stallings, Turner (Shelby), Wallace, Webb, Wheeler, Wolfe and Wood--41.

Representative present and not voting was: Robinson (Hamilton) --1.

Mr. Wallace moved that Senate Bill No. 975 be re-referred to the Committee on Judiciary.

Mr. Scruggs moved that the motion be tabled, which motion failed by the following vote:

Ayes	33
Noes	57

Representatives voting aye were: Bell, Buck, Clark (Davidson), Cobb, Copeland, Covington, DeBerry, DePriest, Drew, Ellis, Gaia, Hurley, Jared, Johnson, Jones, King (Washington), Love, McKinney, Moore (Sullivan), Murphy, Murray, Naifeh, Owen, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Tanner, Turner (Hamilton), Wheeler, Wix and Work--33.

Representatives voting no were: Anderson, Atchley, Bewley, Bivens, Byrd, Chiles, Clark (Sumner), Crain, Davidson, Davis (Gibson), Davis (Pickett), Dills, Disspayne, Duer, Elsea, Ford, Frensley, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Huskey, Kelley, Kent, Kernell, King (Shelby), Kisber, McAfee, McNally, Miller, Montgomery, Moody, Moore (Shelby), Nance, Napier, Percy, Phillips, Pickering, Robinson (Washington), Severance, Shirley, Sir, Stallings, Starnes, Turner (Shelby), Ussery, Wallace, Webb, Whitson, Williams, Wolfe, Wood, Yelton and Mr. Speaker McWherter--57.

Mr. McNally moved the previous question on the re-referral motion, which motion prevailed by the following vote:

Ayes	64
Noes	22
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Buck, Byrd, Chiles, Clark (Sumner), Copeland, Crain, Davidson, Davis (Gibson), Davis (Pickett), Dills, Disspayne, Duer, Ellis, Elsea, Ford, Frensley, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Kelley, Kent, King (Shelby), King (Washington), Kisber, McAfee, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murray, Nance, Napier, Percy, Phillips, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sir, Stallings, Starnes, Turner (Hamilton), Turner (Shelby), Wallace, Webb, Whitson, Williams, Wolfe, Wood and Yelton--64.

Representatives voting no were: Bell, Brewer, Clark (Davidson), Cobb, Covington, DeBerry, DePriest, Drew, Jared, Love, McKinney, Murphy, Naifeh, Owen, Pickering, Pruitt, Rhinehart, Robertson, Scruggs, Tanner, Wix an Work--22.

Representative present and not voting was: Kernell--1.

Thereupon, the motion to re-refer Senate Bill No. 975 to the Committee on Judiciary prevailed by the following vote:

Ayes	54
Noes	36
Present and not voting	2

Representatives voting aye were: Anderson, Atchley, Bewley, Bivens, Byrd, Chiles, Clark (Sumner), Crain, Davidson, Davis (Gibson), Davis (Pickett), Dills, Disspayne, Duer, Elsea, Ford, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Huskey, Jared, Kelley, Kent, Kernell, King (Shelby), Kisber, McNally, Miller, Montgomery, Moody, Moore (Shelby), Nance, Napier, Percy, Pickering, Severance, Shirley, Sir, Stallings, Starnes, Turner (Shelby), Ussery, Wallace, Webb, Whitson, Williams, Wolfe, Wood, Yelton and Mr. Speaker McWherter --54.

Representatives voting no were: Bell, Brewer, Buck, Clark (Davidson), Cobb, Copeland, Covington, DeBerry, Drew, Ellis, Frensey, Gaia, Hurley, Johnson, Jones, King (Washington), Love, McAfee, McKinney, Moore (Sullivan), Murphy, Murray, Naifeh, Owen, Phillips, Pruitt, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Tanner, Turner (Hamilton), Wheeler, Wix and Work--36.

Representatives present and not voting were: DePriest and Rhinehart--2.

House Bill No. 1830--To make certain provisions, state oil and gas board.

Mr. McNally moved that House Bill No. 1830 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensey, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

Representative voting no was: McKinney--1.

A motion to reconsider was tabled.

House Bill No. 2157--To regulate governmental contracts for professional services.

Ms. Montgomery moved that House Bill No. 2157 be passed on third and final consideration.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 2157 by deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

Provided, however, the prohibition in this subsection against competitive bidding shall not prohibit the county from interviewing eligible persons or groups to determine the capabilities of such persons or groups.

AND FURTHER AMEND by deleting in its entirety the amendatory language of Section 2 and by substituting instead the following:

Provided, however, the prohibition against competitive bidding in this section shall not prohibit any entity enumerated from interviewing eligible persons or groups to determine the capabilities of such persons or groups.

On motion, the amendment was adopted.

Thereupon, House Bill No. 2157, as amended, passed its third and final consideration by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--90.

A motion to reconsider was tabled.

Mr. Stallings moved that the rules be suspended for the immediate consideration of House Bill No. 1586, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1586--To exempt certain sales from sales and use tax.

SENATE AMENDMENT NO. 2

Amend House Bill No. 1586 by inserting a new Section 2 as follows:

SECTION 2. Tennessee Code Annotated, Title 67, Chapter 6, Part 3, is amended by adding a new section, as follows:

Section 67-6-3. There shall be exempt from the tax upon admission, dues, or fees imposed by this chapter the proceeds derived from admission to historic sites or museums, if the corporation or organization operating such historic site or museum has received a certificate of exemption from the United States Internal Revenue Service, pursuant to 26 U.S.C. Section 501 (c).

and by renumbering Section 2 to become Section 3.

Mr. Stallings moved that the House non-concur in Senate Amendment No. 2, which motion prevailed.

House Bill No. 1969--To remove term limitation, chairman, board of paroles.

On motion, House Bill No. 1969 was made to conform with Senate Bill No. 2008.

On motion, Senate Bill No. 2008, on same subject, was substituted for House Bill No. 1969.

Mr. Murphy moved that Senate Bill No. 2008 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	5

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sir, Smith,

Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wood, Work and Yelton--88.

Representatives voting no were: Chiles, Harrill, Nance, Shirley and wolfe--5.

A motion to reconsider was tabled.

House Bill No. 2016--To provide for refund, erroneous tax payments.

On motion, House Bill No. 2016 was made to conform with Senate Bill No. 1757.

On motion, Senate Bill No. 1757, on same subject, was substituted for House Bill No. 2016.

Mr. Murray moved that Senate Bill No. 1757 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

A motion to reconsider was tabled.

House Bill No. 2133--To revise organization of office, Secretary of State.

On motion, House Bill No. 2133 was made to conform with Senate Bill No. 1801.

On motion, Senate Bill No. 1801, on same subject, was substituted for House Bill No. 2133.

Mr. Murray moved that Senate Bill No. 1801 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 87
Noes 6

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Hassell, Henry, Herndon, Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --87.

Representatives voting no were: Harrill, Hudson, McAfee, Moody, Robertson and Smith--6.

A motion to reconsider was tabled.

House Bill No. 1057--To provide for certain utility districts.

Mr. Jared moved that House Bill No. 1057 be passed on third and final consideration.

Mr. Jared moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1057 in Section 1 by striking out the word "subscribers" the same being the last word in said Section and substituting in lieu thereof the word "users."

Amend Section 2 thereof by deleting the whole of Section 2 and adding a new Section 2 as follows:

"Section 2. Tennessee Code Annotated, Title 7, Chapter 8, is amended as follows:

"Amend Section 7-8-304 by adding the following sentence to subsection 10 thereof:

"The authority herein granted to issue 'bond anticipation notes' shall also authorize the issuance of 'grant anticipation notes,' to be secured by the grant in anticipation of which such notes are issued, with all provisions of this sub-section (10) being applicable to such grant anticipation notes.

"Delete Section 7-82-308 in its entirety and substitute in lieu thereof a new Section 7-82-308 as follows:

"7-82-308. COMPENSATION OF COMMISSIONERS--DELEGATION OF POWERS--OFFICERS--RECORDS--QUALIFICATIONS. The members of the Board shall serve without compensation for their services except that by resolution duly adopted by the Board of Commissioners, each Commissioner may receive per diem payments for not more than twelve (12) meetings of the Board of Commissioners in any calendar year at rates not greater than \$100 per meeting for each district having more than 500 users and not more than \$50 per meeting for each district having 500 or fewer users, and, in addition, group medical insurance coverage as may be provided other employees. The Board may delegate to one (1) or more of its members or to its agents and employees such powers and duties as it may deem proper, but at its first meeting and at the first meeting of each calendar year thereafter it shall elect one (1) of its members to serve as president, and another of its members as secretary of the Commission. The secretary shall keep a record of all proceedings of the Commission which shall be available for inspection as other public records, and shall be custodian of all official records of the District. Only person residing within the geographical boundaries of the District shall be eligible for election to the Board.

"Amend Section 7-82-402 by adding a new sub-Section at the end thereof as follows:

"(c) Each utility district hereunder shall

"1. Publish in local telephone directories the telephone number of the District and a telephone number in its service area to be used to report emergencies and for after hours, weekends, and holidays.

"2. Print on its regular billing the address of the office of the District, office hours if appropriate, the telephone number, and the time and place of the regular meeting of the Board of Commissioners

"3. Notify customers of any service interruption which will, or is likely to, last ten (10) hours or longer. Notification may be by public service broadcast over commercial radio stations in the area.

"4. Maintain a log of service interruptions, service restorations, customer complaints and disposition of complaints.

"5. When it is determined by the Board to be financially feasible, facilities will be furnished for fire protection under such arrangements as the district may decide and negotiate with other governmental or private agencies."

On motion, the amendment was adopted.

Mr. Jared moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1057 by adding to Section 2 thereof the following provisions:

"Amend Section 7-82-302 by adding the following sentence to subsection (a) thereof:

"Powers relating to garbage disposal shall include the power of one or more utility districts, acting individually, or jointly, to engage in the conversion of garbage into steam power."

On motion, the amendment was adopted.

Mr. Tanner moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1057 by adding the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION ____ . Any utility district, whether created pursuant to general law or uncodified public chapter, may enforce the payment of fees or assessments charged for sewer or wastewater disposal utility services by filing an action in the same manner and with the same penalties and interest attached as provided for the enforcement of unpaid taxes pursuant to the provisions of Tennessee Code Annotated, Title 67, including the sale or execution of such property as provided in Title 26, Chapter 5, and the redemption provisions of Title 66, Chapter 8. Provided, that such action may be taken only once every calendar year by the utility district for unpaid sewer or wastewater utility fees or assessments. Provided, further, that the utility district shall be required to give notice to the property owner, if different from the utility user, not less than ninety (90) days prior to the filing of any action which would include levying on the real property. Such notice shall be mailed to the last known address of the property owner as contained on the tax records of the county where the property is located and shall include the amount of the unpaid fee or assessment for sewer or wastewater disposal utility services, together with penalties and interest. The notice shall also contain a statement to the effect that unless the payments are brought up-to-date, a lien will attach to the property and an action will be filed pursuant to the provisions of Tennessee Code Annotated, Title 67.

The utility district shall bear the reasonable costs incurred by a property owner in defending such an action due to an error in the records or fees of the utility district for the

provision of such sewer or wasterwater disposal utility services.

For purposes of this section, the term "utility district" shall include the Reelfoot Lake Utility and Planning District created by Chapter 222 of the Public Acts of 1983.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1057, as amended, passed its third and final consideration by the following vote:

Ayes	88
Noes	0
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Drew, Ellis, Elsea, Ford, Frensey, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--88.

Representative present and not voting was: Miller--1.

A motion to reconsider was tabled.

House Bill No. 1124--To make certain provisions, state leases.

On motion, House Bill No. 1124 was made to conform with Senate Bill No. 1099.

On motion, Senate Bill No. 1099, on same subject, was substituted for House Bill No. 1124.

Mr. Wood moved that Senate Bill No. 1099 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1099 by deleting all the language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 12-2-114 (b) (2) is amended by deleting the words and figures "five thousand dollars (\$5,000)" and by substituting instead the words and figures "eighty-five hundred dollars (\$8,500)".

SECTION 2. Tennessee Code Annotated, Section 12-2-115(a) and (b) are amended by deleting the words and figures "twelve thousand dollars (\$12,000)" and by substituting instead the words and figures "fifteen thousand dollars (\$15,000)".

SECTION 3. This act shall take effect July 1, 1983, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1099, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

House Bill No. 2020--To create small business development center, M.S.U.

On motion, House Bill No. 2020 was made to conform with Senate Bill No. 2049.

On motion, Senate Bill No. 2049, on same subject, was substituted for House Bill No. 2020.

Mr. Byrd moved that Senate Bill No. 2049 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

A motion to reconsider was tabled.

On motion of Mr. Kisber, Senate Joint Resolution No. 217 was recalled from the Committee on Calendar and Rules.

Mr. Kisber moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 217 out of order, which motion prevailed.

Senate Joint Resolution No. 217--Relative to creating Commission on Commemoration of Holocausts.

Mr. Kisber moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 217, which motion prevailed.

Mr. Kisber moved that Senate Joint Resolution No. 217 be concurred in.

Mr. King (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Joint Resolution No. 217 by inserting the following language immediately after the third resolving clause:

BE IT FURTHER RESOLVED, That the commission shall consist of two (2) additional members as follows: the Speaker of the Senate shall appoint one (1) senator and the Speaker of the House of Representatives shall appoint one (1) representative to serve as ad hoc members. Each such legislative member shall serve on the commission until the convening of the general assembly next succeeding the date of his appointment to the commission.

AND FURTHER AMEND by adding the following language to the end of the fourth resolving clause:

Legislative members serving as ad hoc members shall not be entitled to receive a salary for time spent on commission business but may receive reimbursement for travel expenses in accordance with the provisions of Tennessee Code Annotated, Section 3-1-106.

On motion, the amendment was adopted.

Thereupon, Senate Joint Resolution No. 217, as amended, was concurred in by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

House Bill No. 1374--To increase longevity pay.

Mr. Rhinehart moved that House Bill No. 1374 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy,

Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

House Bill No. 2132--To amend Lobbyist Registration and Disclosure Act.

On motion, House Bill No. 2132 was made to conform with Senate Bill No. 1802.

On motion, Senate Bill No. 1802, on same subject, was substituted for House Bill No. 2132.

Mr. Murray moved that Senate Bill No. 1802 be passed on third and final consideration.

Mr. Cobb moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1802 by deleting all of the language added by Senate Amendment # 1.

Further amend by deleting the words "subsection (b) and" from Section 6 of the Act and renumbering subsection b of Section 6 as subsection c.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1802, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson,

Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

House Bill No. 2000--To appropriate funds, agricultural services.

Mr. Rhinehart moved that House Bill No. 2000 be passed on third and final consideration.

Mr. Pickering moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 2000 by deleting from Section 1 (a) the word "extension" and by substituting instead the word "public".

AND FURTHER AMEND by deleting items (1), (2), and (3) in their entirety from Section 2 (a), and by substituting instead the following:

- (1) one (1) research associate,
- (2) one (1) turf research associate,
- (3) one (1) turf extension specialist, and

AND FURTHER AMEND by deleting the following language from Section 2 (b):

The technician shall be assigned to support nursery research; the turf technician shall be assigned to the college of agriculture, department of ornamental horticulture; and the turf technician specialist shall be assigned

and by substituting instead the following:

The research associate shall be assigned to support nursery research; the turf research associate shall be assigned to the agriculture experiment station; and the turf extension specialist shall be assigned

On motion, the amendment was adopted.

Thereupon, House Bill No. 2000, as amended, passed its third and final consideration by the following vote:

Ayes	89
Noes	2

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett),

DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--89.

Representatives voting no were: Chiles and Henry--2.

A motion to reconsider was tabled.

House Bill No. 2031--To repeal power, eminent domain, Scenic Rivers Act.

On motion, House Bill No. 2031 was made to conform with Senate Bill No. 2004.

On motion, Senate Bill No. 2004, on same subject, was substituted for House Bill No. 2031.

Mr. Rhinehart moved that Senate Bill No. 2004 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--90.

Representative voting no was: Murphy--1.

A motion to reconsider was tabled.

House Bill No. 1890--To make certain provisions, board for licensing contractors.

On motion, House Bill No. 1890 was made to conform with Senate Bill No. 1704.

On motion, Senate Bill No. 1704, on same subject, was substituted for House Bill No. 1890.

Mr. Wheeler moved that Senate Bill No. 1704 be passed on third and final consideration.

Mr. Murray moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1704 by deleting the following sections in their entirety and renumbering remaining sections accordingly: 1, 2, 3, 4, 6, 7, and 9.

AND FURTHER AMEND by inserting in subsection (b) of the amendatory language of Section 10 the words and figures "in excess of fifty thousand dollars (\$50,000)" between the words "accepts a bid" and the words "from a contractor".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1704, as amended, passed its third and final consideration by the following vote:

Ayes	81
Noes	9
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bivens, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Herndon, Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Williams, Wolfe, Wood, Work and Yelton--81.

Representatives voting no were: Bewley, Crain, Hassell, Henry, Kent, Moore (Shelby), Robertson, Shirley and Whitson--9.

Representative present and not voting was: Hudson--1.

A motion to reconsider was tabled.

House Bill No. 1892--To regulate real estate brokers.

Mr. Wheeler moved that House Bill No. 1892 be passed on third and final consideration.

Mr. Wheeler moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1892 by deleting subsections (a) and (b) of SECTION 6 in their entirety and substituting in lieu thereof the following:

"(a) There is hereby established within the general fund a real estate education and recovery account (hereinafter the "account"). All funds received by the commission under this section shall be deposited into the account and held solely for the purposes of this section. The commission shall maintain a minimum balance of five hundred thousand dollars (\$500,000) in the account.

(b) Monies within the account shall be invested by the state treasurer in accordance with the provisions of Section 9-17-105 for the sole benefit of the account."

AND FURTHER AMEND by deleting the word "fund" wherever it appears in SECTION 6 and by substituting in lieu thereof the word "account".

AND FURTHER AMEND by adding the following language to SECTION 6 as a new, appropriately designed subsection:

"() No state funds shall be expended to effectuate the provisions of this section other than the fees and charges set forth in this section."

AND FURTHER AMEND by deleting the following language from subsection (h) of SECTION 6:

"plus interest at the effective rate of ten percent (10%) per year"

and substituting in lieu thereof the following:

"plus interest at the effective earnings rate for the account for the period such claim is unpaid"

AND FURTHER AMEND by deleting the following language from subsection (j) of SECTION 6:

"plus accumulated interest at the effective rate of ten percent (10%) per year"

and substituting in lieu thereof the following:

"plus interest at the effective earnings rate for the account for the period such claim is unpaid"

AND FURTHER AMEND by deleting the second sentence of subsection (e) of SECTION 6 and substituting the following:

The commission may, subject to the approval of the attorney general, take any action it may deem appropriate to protect the integrity of the fund.

Mr. Shirley moved that the Amendment No. 1 be tabled, which motion failed.

Thereupon, on motion, Amendment No. 1 was adopted.

Mr. Severance moved the previous question, which motion failed by the following vote:

Ayes	33
Noes	41

Representatives voting aye were: Anderson, Atchley, Clark (Davidson), Covington, Davidson, DeBerry, Elsea, Ford, Harrill, Herndon, Hillis, Hudson, Huskey, Johnson, Kelley, King (Shelby), King (Washington), Kisber, McAfee, McNally, Moore (Sullivan), Naifeh, Napier, Phillips, Rhinehart, Severance, Stallings, Starnes, Wallace, Wix, Wood, Work and Yelton--33.

Representatives voting no were: Bell, Bewley, Byrd, Chiles, Cobb, Crain, Davis (Gibson), Drew, Duer, Frensley, Gafford, Gill, Hassell, Henry, Kent, Kernell, Love, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Nance, Owen, Percy, Pickering, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Sir, Smith, Tanner, Turner (Shelby), Ussery, Whitson, Williams and Wolfe--41

Mr. Shirley moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1892 by deleting from the amendatory language of Section 6, the first sentence of subsection (b) in its entirety and by substituting instead the following:

The commission shall maintain a balance of not less than one hundred thousand dollars (\$100,000) nor more than two hundred thousand dollars (\$200,000) in the fund. If at the end of a fiscal year the amount of the fund exceeds two hundred thousand dollars (\$200,000), the excess shall be returned to licensees who have paid their appropriate fees in a proportionate share to the amount of fee imposed for that fiscal year.

AND FURTHER AMEND by deleting from the amendatory language of Section 6, subsection (m) the figure "\$500,000.00" and by substituting instead the language, one hundred thousand dollars (\$100,000).

Mr. Wheeler moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes	66
Noes	13
Present and not voting	3

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Pickett), DeBerry, Dissspayne, Elsea, Ford, Frensley, Gafford, Gaia, Herndon, Hurley, Jared, Johnson, Kelley, Kent, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sir, Stallings, Starnes, Turner (Hamilton), Ussery, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--66.

Representatives voting no were: Buck, Crain, Davis (Gibson), Dills, Harrill, Hassell, Hillis, Kernell, Moody, Moore (Shelby), Nance, Shirley and Tanner--13.

Representatives present and not voting were: Henry, Robertson and Wallace--3.

Mr. Shirley moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1892 by adding before the effective date section the following new section and by renumbering the subsequent section accordingly:

SECTION ____ . Tennessee Code Annotated, Section 62-13-20(b), is amended by designating the existing language as Item (1) and by adding the following language as a new Item (2):

As vacancies occur or terms expire after July 1, 1984, the governor shall make appointments so that any trade organization which represents fifty percent (50%) or more of the licensed brokers and affiliate brokers in this state shall have three (3) of its members on the board. If the trade organization represents less than fifty percent (50%) of the licensed brokers and affiliate brokers in this state, the trade organization shall have two (2) of its members on the board.

Mr. Wheeler moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes	56
Noes	21
Present and not voting	1

Representatives voting aye were: Anderson, Bell, Byrd, Clark (Davidson), Clark (Sumner), Copeland, Covington, Davidson, Davis (Pickett), DeBerry, Disspayne, Duer, Ellis, Frensley, Gafford, Gaia, Herndon, Hurley, Jared, Johnson, Jones, Kent, King (Washington), Kisber, Love, McAfee, McNally, Miller, Montgomery, Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sir, Smith, Turner (Hamilton), Ussery, Webb, Wheeler, Williams, Withers, Wolfe, Wood, Work and Yelton--56.

Representatives voting no were: Atchley, Bewley, Bivens, Buck, Crain, Davis (Gibson), Dills, Elsea, Harrill, Hassell, Hillis, Kelley, Kernell, Moody, Moore (Shelby), Nance, Shirley, Stallings, Tanner, Wallace and Whitson--21.

Representative present and not voting was: Robertson--1.

Mr. Shirley moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 1892 as follows:

Amend Section 62-13-308 and substitute the following:

(2) For issuance of an original broker, affiliate broker, or firm license, a fee of twenty five dollars (\$25.00).

(3) For each renewal of a broker, affiliate broker, or firm license, a fee of twenty five dollars (\$25.00), or such lesser amount as the commission may by rule establish.

Mr. Wheeler moved that Amendment No. 4 be tabled, which motion prevailed by the followin vote:

Ayes	64
Noes	14
Present and not voting	2

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Byrd, Clark (Davidson), Clark (Sumner), Covington, Davidson, DeBerry, Disspayne, Ellis, Ford, Frensley, Gaia, Herndon, Hudson, Hurley, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sir, Smith, Starnes, Turner (Hamilton), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wood, Work and Yelton--64.

Representatives voting no were: Buck, Crain, Davis (Gibson), Dills, Gafford, Harrill, Hassell, Hillis, Moore (Shelby), Nance, Shirely, Stallings, Tanner and Wolfe--14.

Representatives present and not voting were: Henry and Robertson--2.

Mr. Wheeler moved that House Bill No. 1892 be placed on the Calendar for Tuesday, May 8, 1984, which motion prevailed.

House Bill No. 152--To continue Elk River Development Agency.

On motion, House Bill No. 152 was made to conform with Senate Bill No. 1273.

On motion, Senate Bill No. 1273, on same subject, was substituted for House Bill No. 152.

Mr. King (Shelby) moved that Senate Bill No. 1273 be passed on third and final consideration.

Mr. King (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1273 by adding the following new section immediately before the effective date section:

SECTION . Tennessee Code Annotated, Section 64-1-303, is amended by deleting from the first sentence of item (3) the words "acquisition by condemnation" and substituting instead the word "acquisition" and by deleting from item (3) the third and fourth sentences in their entirety.

On motion, the amendment was adopted.

Mr. King (Shelby) moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1273 by deleting Section 2 in its entirety, by inserting the following language as new sections, and by appropriately renumbering subsequent sections:

SECTION ____ . Tennessee Code Annotated, Section 4-29-205, is amended by adding the following language as an appropriately numbered, new item:

"() Elk River development agency, board of directors, created by Sections 64-1-301 and 64-1-302;"

SECTION ____ . Tennessee Code Annotated, Title 64, Chapter 1, Part 3, is amended by adding the following language as a new section:

Notwithstanding any provision of Tennessee Code Annotated, Title 64, Chapter 1, Part 3, to the contrary, between the effective date of this act and June 30, 1985, the Tennessee Elk River development agency shall enter into no contract or cooperative agreement without the prior written approval of the commissioner of the department of finance and administration. In reviewing any such contract or agreement, the commissioner shall remain cognizant of the language of Article I, Section 20 of the Constitution of Tennessee and shall approve no contract or agreement which possesses a potential for incurring liability upon the state of Tennessee should the General Assembly take action to terminate the agency under the provisions of the Tennessee governmental Entity Review Law.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1273, as amended, passed its third and final consideration by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

A motion to reconsider was tabled.

Mr. Naifeh moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 220 out of order, which motion prevailed by the following vote:

Ayes	87
Noes	2
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley,

Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murray, Naifeh, Nance, Napier, Percy, Phillips, Pickering, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--87.

Representatives voting no were: Cobb and Owen--2.

Representative present and not voting was: Rhinehart--1.

Mr. Naifeh moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 220, which motion prevailed.

Senate Joint Resolution No. 220--Relative to adjournment sine die, 93rd General Assembly.

Mr. Naifeh moved that Senate Joint Resolution No. 220 be concurred in, which motion prevailed by the following vote:

Ayes	90
Noes	2

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

Representatives voting no were: Cobb and Covington--2.

A motion to reconsider was tabled.

Mr. King (Shelby) moved that the rules be suspended for the immediate consideration of Senate Bill No. 1291, which motion prevailed.

FURTHER CONSIDERATION OF SENATE BILL NO. 1291

Senate Bill No. 1291--To regulate Board of Nursing.

Mr. King (Shelby) moved that the motion to reconsider Senate Bill No. 1291 be lifted from the table, which motion prevailed.

Mr. King (Shelby) moved that the House reconsider its action in passing Senate Bill No. 1291 on third and final consideration, as amended, which motion prevailed.

Mr. King (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1291 by deleting Section 6 in its entirety and by substituting instead the following:

Section 6. Members serving on the Board of Nursing on the effective date of this act shall serve the balance of the term for which they were appointed, and the provisions of this act which reduce the Board membership to nine (9) shall be implemented as such terms expire.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1291, as amended, passed its third and final consideration by the following vote:

Ayes	90
Noes	0
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

Representative present and not voting was: Moody--1.

A motion to reconsider was tabled.

Mr. McKinney moved that House Bill No. 1978 be placed on the Calendar for Thursday, May 10, 1984, which motion prevailed.

House Joint Resolution No. 269--Relative to calling Joint Convention, State of the Judiciary address.

Mr. Murphy moved that House Joint Resolution No. 269 be adopted, which motion prevailed.

A motion to reconsider was tabled.

House Bill No. 1481--To appropriate funds, certain attorneys fees.

Mr. Murphy moved that House Bill No. 1481 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	84
Noes	5

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Drew, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wolfe, Wood, Work and Yelton--84.

Representatives voting no were: Duer, Harrill, Hassell, McAfee and Shirley--5.

A motion to reconsider was tabled.

Mr. King (Washington) moved that Senate Joint Resolution No. 150 be placed on the Calendar for Monday, May, 14, 1984, which motion prevailed.

Mr. Kent moved that House Bill No. 1370 be placed on the Calendar for Monday, May 14, 1984, which motion prevailed.

Mr. Robertson moved that House Bill No. 1872 be placed on the Calendar for Wednesday, May 16, 1984, which motion prevailed.

Mr. Bivens moved that House Bill No. 1592 be placed on the Calendar for Monday, May 14, 1984, which motion prevailed.

CONSENT CALENDAR

OBJECTION

An objection was filed to the following bill on the Consent Calendar:

Ms. Duer objected to House Bill No. 2175.

Under the rules, House Bill No. 2175 was placed at the foot of the Calendar for Monday, May 7, 1984.

CONSENT CALENDAR

House Bill No. 2143--To authorize trading of state owned property, education agency.

On motion, House Bill No. 2143 was made to conform with Senate Bill No. 2044.

On motion, Senate Bill No. 2044, on same subject, was substituted for House Bill No. 2143.

House Joint Resolution No. 210--Relative to placing certain vending machines, Welcome Centers.

Senate Joint Resolution No. 193--Relative to erecting signs, Jack Daniel Distillery.

Senate Joint Resolution No. 213--Relative to commending Tennessee Heritage Alliance.

House Resolution No. 128--Relative to expressing appreciation to Miss Laura Caul.

House Resolution No. 129--Relative to congratulating Mrs. Agnes Gapsevich.

House Resolution No. 130--Relative to congratulating Barney Franklin Anderson.

House Joint Resolution No. 481--Relative to commending Jack Delozier.

House Joint Resolution No. 484--Relative to congratulating Miss Mary Ann Bales.

House Joint Resolution No. 486--Relative to commending James T. Bell.

House Joint Resolution No. 487--Relative to congratulating Coach Lambert and Frank Hughes basketball team.

House Joint Resolution No. 488--Relative to commending Joe Wade Pulley.

House Joint Resolution No. 489--Relative to commending Everett L. Smith.

House Bill No. 2277--To regulate amusement tax, Knox County.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --93.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 171--To continue the Department of Banking.

SENATE AMENDMENT NO. 1

Amend House Bill No. 171 is amended by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-206, is amended by adding the following language as an appropriately numbered, new item:

() department of financial institutions, created by Section 4-3-101.

Mr. Starnes moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes 91
Noes 0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gill, Harrill, Hassell, Henry,

Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --91.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1584--To make certain provisions, arrests for public drunkenness.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1584 by inserting after the words "the right" the following language ", if testing equipment or facilities are available,"

Mr. Johnson moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1586--To exempt certain sales from sales and use tax.

THURSDAY, MAY 3, 1984--69th LEGISLATIVE DAY

The Senate lifted tabling motion, reconsidered passage of the bill, reconsidered adoption of Senate Amendment No. 2, withdrew Senate Amendment No. 2; adopted Senate Amendment No. 3, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Stallings moved that the rules be suspended for the immediate consideration of House Bill No. 1586, which motion prevailed.

FURTHER CONSIDERATION OF HOUSE BILL NO. 1586

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1586--To exempt certain sales from sales and use tax.

SENATE AMENDMENT NO. 3

Amend House Bill No. 1586 by adding the following language as a new Section 2, renumbering present Section 2 as Section 3:

SECTION 2. Tennessee Code Annotated, Section 67-6-322, is amended by adding the following language as a new, appropriately designated subsection:

() There shall be exempt from the tax upon admission, dues, or fees imposed by this chapter the proceeds derived from admission to historic sites or museums, if the corporation or organization operating such historic site or museum has received a certificate of exemption from the United States Internal Revenue Service pursuant to 26 U.S.C. Section 501(c).

Mr. Stallings moved that the House non-concur in Senate Amendment No. 3, which motion prevailed.

FURTHER CONSIDERATION OF SENATE BILL NO. 1617

Senate Bill No. 1617--To define industrial machinery.

Mr. Johnson moved that the motion to reconsider Senate Bill No. 1617 be lifted from the table, which motion prevailed.

Mr. Johnson moved that the House reconsider its action in passing Senate Bill No. 1617 on third and final consideration, which motion prevailed.

Mr. Johnson moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1617 by deleting in its entirety the Section which reads as follows:

SECTION ____ . This act shall be applied retroactively only insofar as it affects transactions already completed on which no sales tax has been collected or charges or claims which have not been finally adjudicated.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1617, as amended, passed its third and final consideration by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

A motion to reconsider was tabled.

NOTICE PURSUANT TO RULE NO. 57

Pursuant to Rule No. 57, sponsors gave notice of their intentions to consider the following measures from the Senate on Monday, May 7, 1984:

- House Bill No. 1548--DePriest
- House Bill No. 1620--Crain
- House Bill No. 2192--Yelton

SECOND ROLL CALL

A roll call was taken with the following results:

Present 95

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Drew, Duer, Ellis, Elsea, Ford, Frensey, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Smith, Stallings, Starnes, Tanner, Turner (Hamilton), Turner (Shelby), Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 490--Relative to commending Tammy J. Robinson--By Henry.

Under the rules, House Joint Resolution No. 490 was referred to the Committee on Calendar and Rules.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 1673--To regulate State Library and Archives Management Board.

Passed first consideration.

Senate Bill No. 2093--To enact The Emergency Communications District Law.

Passed first consideration.

Senate Bill No. 2111--To change entrance age, public kindergartens.

Passed first consideration.

Senate Bill No. 2124--To make certain provisions, motor vehicle warranties.

Passed first consideration.

Senate Bill No. 2159--To regulate spacing, oil wells.

Passed first consideration.

Senate Bill No. 2176--To make provisions, Local Development Authority.

Passed first consideration.

Senate Bill No. 2179--To provide certain refunds, certain contractors.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 2278--To make certain provisions, Probate Court, Cumberland County.

Passed second consideration and held without reference.

House Bill No. 2279--To make certain provisions, Juvenile Court, Tipton County.

Passed second consideration and held without reference.

House Bill No. 2280--To amend Charter, Crossville.

Passed second consideration and held without reference.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed by the Senate to request the return of Senate Bill No. 1705, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

On motion of Mr. Ellis, Senate Bill No. 1705 was returned to the Senate as requested.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return House Bill No. 1955.

The Senate took no action on the bill.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bill No. 1955.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1238--To amend Title 45, Chapter 2, Code;

1388--To increase membership, Advisory Commission on Intergovernmental Relations;

1404--To require purchase of wheel discs, Shelby County;

1700--To include chiropractic physician, workmen's compensation;

1913--To provide for publication, certain municipal ordinances; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

2192--To make provisions, Commission of Indian Affairs; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 343, 375, 382, 389, 428, 436, 453, 482, 491 and 494; also, House Bills Nos. 1576, 1577, 1588, 1589, 1788, 1827, 1889, 1914, 1955, 1976, 2007 and 2109; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 1576, 1577, 1588, 1589, 1788, 1827, 1889, 1914, 1955, 1976, 2007 and 2109; and House Joint Resolutions Nos. 343, 375, 382, 389, 428, 436, 453, 482, 491 and 494; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1057, 1374, 1481, 1830, 2000, 2051, 2157 and 2277; and House Joint Resolutions Nos. 210, 269, 481, 484, 486, 487, 488 and 489; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

561--To amend state senatorial districts;

978--To regulate discriminatory housing accommodation practices;

1660--To regulate filing certain certificates;

1730--To make certain provisions, fire protection sprinkler systems;

1740--To make certain provisions, certain cemeteries;

1873--To regulate deannexation, city limits;

2047--To regulate certain proceedings, telephone companies;

2048--To regulate unfair trade practices, milk and frozen desserts;

2073--To change composition, Private Employment Agency Board and Elevator Safety Board;

2133--To regulate voter registration;

2135--To amend Title 62, Chapter 19, Code; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 1402, 1409, 1432, 1465, 1488, 1529, 1631, 1680, 1718, 1825, 1844,

1879, 1888, 1973, 2066 and 2225; and House Joint Resolutions Nos. 415, 417, and 483; with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

LOCAL BILLS REFERRED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 2278, 2279 and 2280.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Monday, May 7, 1984: House Bills Nos. 2171, 2196, 1649, 1647, 2167; House Joint Resolution No. 295; House Bills Nos. 2254, 2243, 1559, 119, 120; House Joint Resolution No. 490 and House Bills Nos. 2278, 2279 and 2280.

GILL, Chairman.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1374--Covington

House Bill No. 2051--Phillips

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday, May 7, 1984: House Bills Nos. 2098, 2114, 1985, 1767, 1766, 1768, 1772, 1773, 1776, 1754, 1972, 1735, 1610, 2213, 1878, 2075 and 2175.

GILL, Chairman.

On motion of Mr. Naifeh, the House adjourned until 5:00 p.m., Monday, May 7, 1984.